DOCUMENT RESUME

ED 226 514 EA 015 467

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TITLE Election Consolidation Handbook for School Board Secretaries. Annotated and Revised.
INSTITUTION Illinois Association of School Boards, Springfield.
PUB DATE Jan 83
NOTE 48p.; Some tables may not reproduce due to small print of original document.
PUB TYPE Guides - Non-Classroom Use (055)

EDRS PRICE MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS Board Candidates; *Board of Education Role; *Due Process; *Elections; Elementary Secondary Education; Scheduling; *Secretaries; State Legislation; Voting
IDENTIFIERS *Illinois; Referendums

ABSTRACT

In response to Illinois's consolidation of all elections, this handbook aims to assist school board secretaries in coordinating election duties and responsibilities with local election authorities. The handbook comprises 13 sections. Section 1 defines 11 election consolidation terms. Section 2 explains how specific elections are scheduled, and section 3 shows the election dates. A calendar of nonpartisan election events (such as candidate filings) is listed in section 4. Board candidates are covered in section 5, including their qualifications, terms, filing notices, nominating papers, candidacy statement, statement of economic interests, and withdrawal, plus issues of board vacancies and campaign financing. Section 6 discusses candidate certification, objections to candidates, and candidate placement on the ballot. Conduct of the election is explicated in section 7, including election notices and judges, pollwatchers, ballots, precinct clustering, boundary changes, supplies, and polling hours. Absentee voting and voter qualifications, registration, and identification are covered in section 8. Procedures for tallying, checking, and proclaiming election results--including recounts--are set forth in section 9. Section 10 explains procedures for referenda on public policy, while sections 11 and 12 describe "back-door" (votes on board actions) and emergency referenda. Section 13 examines election costs. (RW)

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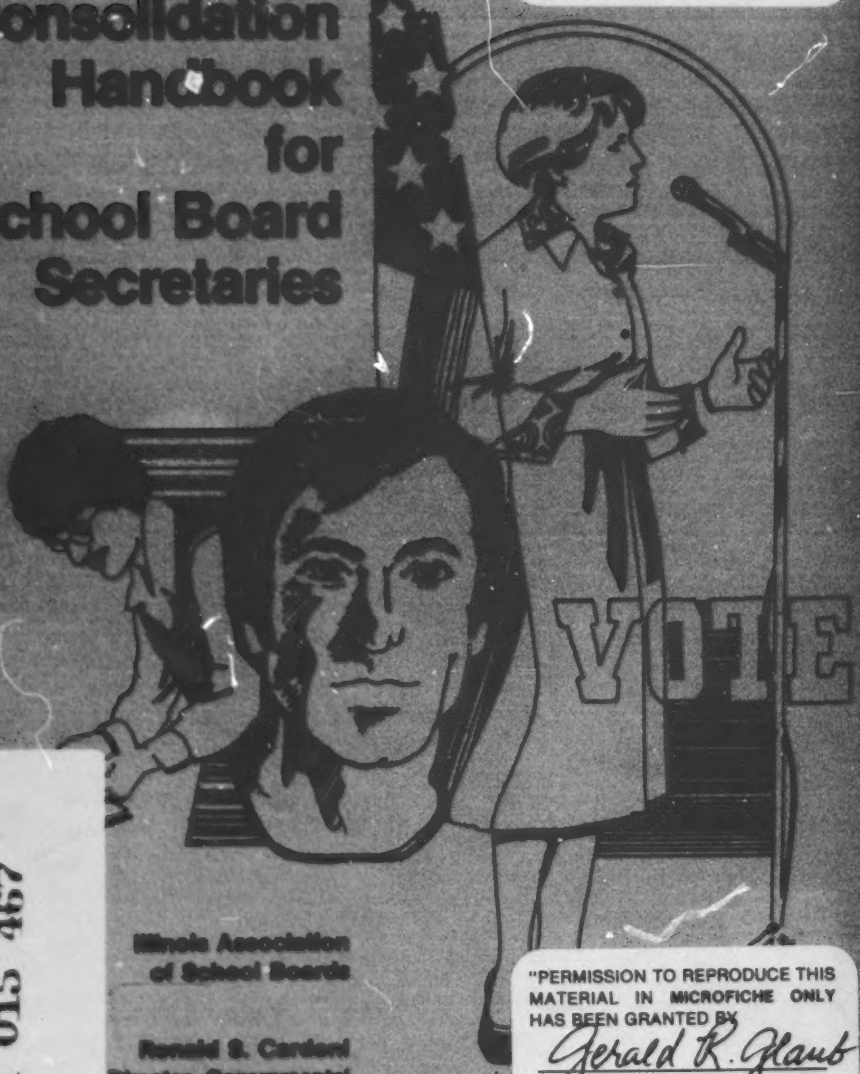
Election Consolidation Handbook for School Board Secretaries



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Illinois Association of School Boards

Ronald S. Cardoni
Director, Governmental Relations

Annotated and Revised

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Election Consolidation Handbook for School Board Secretaries

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1209 South Fifth Street
Springfield, Illinois 62703

Jan 83/5M

Foreword

Effective December 1, 1980, all elections in the State of Illinois are governed by the provisions of the general election law, commonly referred to as the Election Consolidation act.

Under the Election Consolidation Act, all elections in Illinois—with a few exceptions—will be held on five specific days over a two-year period. Public questions (referenda) may only be held on one of the five regularly scheduled dates. By reducing the number of election days annually, it is the legislative intent to lessen voter confusion and to increase voter participation. It also paves the way for reducing overall election costs, eventually saving taxpayer dollars. Additionally, the Election Consolidation Act will provide constitutionally mandated uniformity in the conduct and administration of elections. This uniformity is expressed by standardizing petition filing dates, election notice requirements, precinct and polling place location, the use of election equipment and ballot placement and the use of election judges.

With the implementation of the Election Consolidation Act, the Election Authority (county clerks or municipal boards of election commissioners) will be responsible for the administration of all elections within their jurisdiction. The local election official—such as the township and municipal clerk, school district secretary, etc.—will still, however, be an integral part of the election process. A new partnership of duties and responsibilities will begin between the local election official and the election authority.

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1/Definition of terms

Listed below are a number of election consolidation terms which will be used in conjunction with school elections.

Regular election. Any of the five regularly scheduled elections: the general primary, the general, consolidated primary, consolidated, and the nonpartisan election.

Special election. An election not regularly recurring at fixed intervals, irrespective of whether it is held at the same time and place as a regular election.

General election. The biennial election held on the first Tuesday after the first Monday of November in even-numbered years at which federal, state, judicial, legislative, and county officers are elected.

Consolidated election. The biennial election held on the first Tuesday in April in odd-numbered years at which municipal officers, township officers, road district officers, park district officers, library district officers, and officers of school districts operating under Article 33 of The School Code and elected. *Whenever the date of the consolidated election conflicts with the celebration of Passover, that election shall be postponed until the first Tuesday following the last day of Passover.*

Nonpartisan election. The biennial election held on the first Tuesday after the first Monday in November in odd-numbered years at which officers of school districts not operating under Article 33 of *The School Code*, community college district officers, fire protection district officers, and other special district officers are elected.

Election authority. After December 1, 1980, the County Clerk or a Municipal Board of Election Commissioners.

Local election official. The clerk or secretary of a unit of local government or school district, the treasurer of a township board of school trustees, and the regional superintendent of schools with respect to the various school officer elections and school referenda which he is assigned election

duties by *The School Code*.

Political or governmental subdivision. Any unit of local government or school district; and for election purposes, any area electing regional boards of school trustees or township boards of school trustees.

Public question (referenda). Any question, proposition, or measure submitted to the voters at an election dealing with subject matter other than the nomination or election of candidates.

Petition of candidacy. Consists of a statement of candidacy, ethics statement receipt, and nominating petitions containing signatures of qualified voters.

Education officers electoral board. Composed of the president of the school board, secretary of the board, and the board members with the longest term of continuous service who shall rule on objections to candidate petitions.

2/Schedule of elections

IN EVEN NUMBERED YEARS

Third Tuesday in March

- General Primary Election

nomination of	Federal Officers State Officers Legislative Officers Judicial Officers County Officers Sanitary District Trustees
election of	Political Party Officers (State Centra, Township, Ward, and Precinct Committeemen) Municipal Officers (in municipalities on an annual election schedule) School District Board Members (Under Article 33 of *The School Code*)
other	Referenda Special Elections

First Tuesday after First Monday in November

- General Election

election of	Federal Officers State Officers Legislative Officers Judicial Officers and newly created Judicial Offices County Officers Sanitary District Trustees
retention of	Judicial Officers (Supreme, Appellate, or Circuit Judges seeking to succeed themselves)
other	Referenda Special Elections

IN ODD NUMBERED YEARS

Last Tuesday in February

- Consolidated Primary Election (if required)

nomination of	Municipal Officers Township Officers Road District Officers
other	Referenda Special Elections

First Tuesday in April (except when date conflicts with Passover)

- Consolidated Election

election of	Municipal Officers Township Officers Road District Officers Park District Commissioners Library District Trustees School District Board Members (under Article 33 of *The School Code*)
other	Referenda Special Elections

First Tuesday after First Monday in November

- Non-partisan Election

election of	School District Officers (not under Article 33 of *The School Code*) Community College District Board Members Fire Protection District Trustees Officers of Other Special Districts
other	Referenda Special Elections

3/Election dates

Even-numbered years

Effective December 1, 1980

January	February	March	April	May	June
	Even year, municipal partisan primary 6 WEEKS PRIOR TO MARCH PRIMARY	General Primary Nomination: Federal, State, Legislative, Judicial, County, Sanitary (Partisan) Election: Political Party, Municipal, School (Art. 33 only: Peoria) Referenda, Special Elections THIRD TUESDAY			
July	**August**	**September**	**October**	**November**	**December**
				General Election Election: Federal, State, Legislative, Judicial, County, Sanitary (Partisan) Referenda, Special Elections FIRST TUESDAY AFTER FIRST MONDAY	

Odd-numbered years

January	February	March	April	May	June
	Consolidated Primary Nomination: Municipal, Township, Road District Referenda, Special Elections LAST TUESDAY		Consolidated Election Election: Municipal, Township, Road District, Park District, Library District, School (Art. 33 only: Peoria) Referenda, Special Elections FIRST TUESDAY (except when date conflicts with Passover)		

July	August	September	October	November	December
				Non-Partisan Election Election: School District (except Art. 33), Comm College District, Fire Protection District, Other Special Purpose Districts (non-partisan) Referenda, Special Elections FIRST TUESDAY AFTER FIRST MONDAY	

4/Calendar of non-partisan election events

First Tuesday after first Monday in November

Days before the election	The event
100	First day for registered or unregistered voters who are temporarily absent from the country or for electors who are members of the United States Service or their dependents to make simultaneous application for registration and official ballot, with election authority. (Chap. 46, Arts. 20-2, 20-2.1)
88 (optional)	Last day for board secretary to publish notice of petition filing period (ten days prior to first day of filing) (Chap. 122, Art. 9-5)
78	First day to file nominating petitions in the office of the local election official in units of local government and school districts which elect candidates on a non-partisan basis (78 days before the election). [Chap. 46, Art. 10-6(1)]
78	Last day for submission of petitions for public policy question and referendum to local election official (78 days before election). (Chap. 46, Arts. 28-2, 28-5)
73	Last day for filing objections to petitions for question of public policy with local election official. (Chap. 46, Arts. 10-8, 28-4)
71	Last day to file nominating petitions in the office of the local election official in units of local government and school districts which elect candidates on a non-partisan basis (71 days before election). [Chap. 46, Art. 10-6(1)]
71	Last day for filing a Statement of Economic Interest (and receipt with local election official) as required by the Illinois Governmental Ethics Act. (Chap. 46, Art. 10-5; Chap. 127, Art. 604A)
71	Last day a secretary of a school district may notify, in writing, a candidate of the acceptance of his petition. (Chap. 122, Art. 9-10)
66	Last day for filing objections to nomination papers of non-partisan candidates in the office of the local election official. (Chap. 46, Art. 10-7, 10-8)

Days before the election	The event
66	Last day for candidate to withdraw petitions for two or more offices which are incompatible (five days following the last day for petition filing). (Chap. 46, Art. 10-7)
65	Last day for local governing boards to adopt resolution or ordinance of public policy question (65 days before election). (Chap. 46, Arts. 28-2, 28-5)
63	Last day for written notice of the time and place for conducting lottery (when two or more petitions are received simultaneously for the same office as of 8:00 a.m. on the first day to file or in the first mail delivery) shall be given by the local election official to officers of the established parties and to each organization of citizens within the election jurisdiction that are entitled to have pollwatchers present on the day of the election. (Chap. 46, Art. 10-6.2)
61	Last day for local election official to certify all public questions and referendum to election authority (61 days before election). (Chap. 46, Art. 28-5)
56	Last day lottery shall be conducted by the local election official when two or more petitions are received simultaneously for the same office as of 8:00 a.m. on the first day to file or in the first mail delivery. (Chap. 46, Art. 10-6.2)
55	Last day for candidates in units of local government and school districts which elect candidates on a non-partisan basis to file withdrawal of nomination papers in the office of the local election official (55 days before election). (Chap. 46, Arts. 10-7, 10-8)
55	Last day for local election official to certify candidates' names to the election authority (55 days before election). (Chap. 46, Art. 10-15)
40	First day for registered voter presently within the confines of the United States who expects to be absent from his county on election day, to make application by mail or in person for an official ballot. (Chap. 46, Art. 19-2)
40	For the purpose of issuing pollwatcher credentials, last day for civic organizations and propositions proponents or opponents, to register their names and addresses and the names and addresses of their principal officers with the election authority. (Chap. 46, Art. 17-23)
30	First day for election authority to publish notice of non-parti-

Days before the election	The event
	san election or notice of referendum (may include a list of precinct polling place addresses). (Chap. 46, Arts. 12-4, 12-5)
28	Last day for registration or transfer of registration in the office of the election authority. (Chap. 46, Arts. 4-3, 6-29)
22	First day for local election official to conduct in-person absentee voting. (Chap. 46, Art. 19-2.1)
14	Last day for election authority to have pollwatcher credentials available for distribution. (Chap. 46, Art. 17-23)
10	Last day for any elector who is a member of the United States Service or their dependents of voting age who expect to be absent from the county of their residence on election day to make application for an official ballot to the proper election authority. (Chap. 46, Arts. 20-2, 20-3)
10	Last day for election authority to publish notice of non-partisan election or notice of referendum (may include precinct polling place addresses). (Chap. 46, Arts. 12-4, 12-5)
10	Last day for election authority to publish precinct polling place address (if not included in election notice). (Chap. 46, Arts. 12-4, 12-5)
5	Last day for election authority to receive application by mail for any registered elector who expects to be absent from his county of residence on election day. (Chap. 46, Art. 19-2)
2	Last day election authority shall have ballots printed and available for inspection by candidates and their agents. (Chap. 46, Art. 16-5)
1	Last day for election authority (except Cook) to publish a list of the nominations that are to be voted at such election. (Chap. 46, Art. 16-10)
1	Last day for any registered elector who expects to be absent from his county of residence on election day to make application in person to the election authority and municipal, township, and road district clerks authorized to conduct absentee voting. (Chap. 46, Arts. 19-2, 19-2.1)
1	Last day for election authority to deliver to the judges of election in each precinct the list of registered voters in that pre-

	cinct to whom absentee ballots have been issued by mail (prior to opening the polling place). (Chap. 46, Art. 19-4)
Election day	First Tuesday after first Monday in November of the odd-numbered years.

Days after the election	The event
2	Last day for election authority to transmit election results to local election official (48 hours after election authority receives complete returns). (Chap. 46, Art. 17-22)
3	Last day for local election official to transmit election results to canvassing board (24 hours after local election official receives results). (Chap. 46, Art. 17-22)
7	Last day for canvassing of election results by local canvassing board and proclamation of winners (seven days after close of election). (Chap. 46, Art. 22-17) (Chap. 122 Art. 9-18) NOTE: Each local canvassing board shall immediately transmit a signed copy or original duplicate of its completed abstract of votes to each election authority having jurisdiction over any of the territory of the respective political subdivision and one copy to the State Board of Elections. (Chap. 46, Art. 22-18) The election authority shall issue a certificate of election to each person declared elected to an office by such local canvassing board. For political subdivisions which are multi-county the election authority of the county where the principal office of the political subdivision is located shall make the certificate of election. If a local canvassing board canvassed the results of a public question submitted to referendum by the circuit court a signed copy or a duplicate of the abstract of votes shall be transmitted to the proper court. (Chap. 46, Art. 22-18)
	Each successful write-in candidate may file a statement under oath (Chap. 46, Art. 7-10.1) and shall file a Statement of Candidacy (Chap. 46, Art. 10-5) and a receipt of the Statement of Governmental Ethics Act with the proper local election official within 30 days from proclamation.

5/Board candidates

Qualifications

Candidates for membership on boards of education, boards of school directors, or boards of school trustees shall, on the date of their election, be citizens of the United States, 18 years of age or over, residents of the State of Illinois and the school district for at least one year immediately preceding their election and registered voters. To be placed on the ballot, a candidate must file a nominating petition with the secretary of the board, and a statement of candidacy including a receipt showing that a statement of economic interest has been filed with the county clerk, in proper form and during the required time period. Receipt for the statement of economic interest need not be filed at the same time as the petition and statement of candidacy are filed, but must be filed prior to the close of the filing period.

Since all school elections are nonpartisan, board candidates are not required to indicate a political party affiliation when filing nominating petitions. Candidates should also be aware of "conflict-of-interest" limitations set forth in the law which, if elected, determine whether they can serve as board members. (Sections 9-10, 10-3, and 10-10 of *The School Code.)*

Term of office

Commencing with the nonpartisan election in November of 1981, members of each board of education and board of school directors shall be elected to a four year term of office. Incumbent board members serving on the effective date of the Consolidated Election Act (December 1, 1980) shall have their terms of office extended as follows:

- Board members elected in April, 1978, will have their terms of office extended seven months until the nonpartisan election in November of 1981.

- Board members elected in April, 1979, will have their terms of office extended one year and seven months until the nonpartisan election in November of 1983.
- Board members elected in April, 1980, will have their terms of office extended seven months until the nonpartisan election in November of 1983.

If in 1983, five seats on the board are up for election due to the extension of terms outlined above, then two members shall be elected to serve terms of two years and three members shall be elected to serve terms of four years. (Candidates must file for a specific term of office, i.e., for the two year term or the four year term.) Their successors shall serve four year terms. (Section 10-10 of *The School Code.)*

Under the provisions of Section 9-5 of *The School Code*, a school board can establish six year terms of office for their membership, if approved by the voters at a *regularly scheduled election*. Section 10-10 of *The School Code* provides for an initial staggering of terms in order to phase-in the six year terms.

Newly elected school board members and school directors are seated within seven days following the nonpartisan election in November of the odd-numbered year. (Sections 9-5, 10-5, 10-10, and 10-16 of *The School Code.*)

Board vacancies

Section 10-11 of *The School Code* provides that a board vacancy exists when any of the following events occur before the expiration of the member's term:

1) The death of the incumbent.

2) His resignation in writing filed with the secretary of the board.

3) His becoming insane.

4) His ceasing to be an inhabitant of the district for which he was elected.

5) His conviction of an infamous crime, or of any offense involving a violation of official oath.

6) His removal from office.

7) The decision of a competent tribunal declaring his

election void.

8) His ceasing to be an inhabitant of a particular area from which he was elected, if the residential requirements contained in Sections 11-8 and 12-2 of *The School Code* are violated.

Section 10-10 of *The School Code* provides for the filling of vacancies as follows:

> Whenever a vacancy occurs, the remaining members shall fill the vacancy until the next regular school election, at which election a successor shall be elected to serve the remainder of the unexpired term. However, if the vacancy occurs with *less* than 28 months remaining in the term, or if the vacancy occurs less than 88 days before the next regularly scheduled election for this office then the person so appointed shall serve the remainder of the unexpired term, and no election to fill the vacancy shall be held. Members appointed by the remaining members of the board to fill vacancies shall have the same residential qualifications as their predecessor. Should the board fail to act within 30 days after the vacancy occurs, the regional superintendent of schools under whose supervision and control the district is operating shall, within 15 days after the remaining members have failed to act, fill the vacancy in accordance with the provisions described above.

If the candidate dies before the election and his nominating papers were in order, but he did not withdraw within the required time and is elected, he is treated in the same manner as a candidate who fails to qualify. A vacancy is declared and filled by the remaining board members as prescribed in Section 10-10 of *The School Code*. (Section 10-11 and 10-10 of *The School Code*.)

Notice of time and place for filing nominating petitions

Legislation which implemented the Election Consolidation Act made numerous changes in Article 9 of *The School Code*. One of the provisions eliminated by legislation was the requirement in Section 9-10 of *The School*

Code that the secretary of the board publish "not more than 30 days nor less than 10 days prior to the first day for filing such petitions" notice of the time and place for filing nominating petitions.

Section 9-10 of *The School Code* provides that the board secretary *may* give notice of the petition filing period by publication in a newspaper of general circulation within the school district not less than 10 days prior to the first day of filing. Therefore, it is *strongly recommended* that the secretary of the board continue to publish a notice indicating the time, location, and inclusive petition filing dates.

NOTE: Section 1-4 of the Election Code requires the local election official (board secretary) to keep the board office open until 5:00 p.m. on the last day of petition filing. (Section 9-10 of *The School Code* and Section 1-4 of *The Election Code.*)

Filing nominating papers

Any candidate seeking election to a board of education or board of school directors shall file a nominating petition and a statement of candidacy including an ethics statement receipt with the secretary of the board or *a person designated by the board to receive nominating petitions* within the required time period. Nominating petitions for members of boards of education shall be signed by at least 50 voters or ten percent of the voters residing within the school district, whichever is less. (SCHOOL DIRECTORS REQUIRE 25 VOTERS OR FIVE PERCENT OF THE VOTERS RESIDING IN THE DISTRICT.) All petitions filed must be securely bound together, pages numbered consecutively and the signature of the petition circulator notarized.

The secretary of the board shall receive and file only those petitions which include a statement of candidacy, the required number of voter signatures, the notarized signature of the petition circulator and a receipt from the county clerk showing that the candidate has filed a statement of economic interest on or before the last day to file as required by the Illinois Governmental Ethics Act.

Nominating petitions may be filed by the candidate in person, by mail, or by an agent. Upon receipt of the petition, each board secretary or his designee shall date and time stamp the petition making sure that all petitions are filed between the normal opening and closing hours of the board office, except on the last day of petition filing when the office shall remain open until 5:00 p.m. The board secretary is required to preserve in his office for six months all petitions filed.

If the secretary is an incumbent school board member seeking re-election, a disinterested person must witness the filing of his/her petition.

All candidates must receive a receipt for filing. The board secretary shall within seven days of filing or on the last day for filing, whichever is earlier, acknowledge receipt of the petition. This receipt should also bear the date and time of filing, as well as the signature of the secretary of the board or his designee.

A suggested form is as follows:

Received

Date: _____

Time: _____

_____

Secretary of the Board/Designee

Section 9-10 of *The School Code* and Sections 1-4, 10-4, 10-5, 10-6.2, 10-7 of *The Election Code*.)

Statement of Candidacy

Section 10-5 of *The Election Code* requires that all candidates file with their nomination papers a statement of candidacy. Each statement of candidacy shall set out the address of such candidate, the office for which he is a candidate, shall state that the candidate is qualified for the office specified and has filed (or will file before the close

of the petition filing period) a statement of economic interest as required by the Illinois Governmental Ethics Act.

Each statement of candidacy shall request that the candidate's name be placed upon the official ballot and shall be subscribed and sworn to by such candidate before some officer authorized to take acknowledgments of deeds in this state, and may be in substantially the following form:

State of Illinois
County of .....)

I, ..., being first duly sworn, say that I reside at ..... street, in the city (or village) of ..... in the county of ..... State of Illinois; and that I am a qualified voter therein; that I am a candidate for election to the office of ..... to be voted upon at the election to be held on the ..... day of ..... A.D. .....; and that I am legally qualified to hold such office and that I have filed (or will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act, and I hereby request that my name be printed upon the official ballot for election to such office.

Signed .....

Subscribed and sworn to (or affirmed) before me by ..... who is to me personally known, this ..... day of ..... A.D. .....

Signed .....
(official character)
(Seal, if officer has one.)

(Sections 10-4 and 10-5 of *The Election Code*.)

Statement of economic interests

Section 9-10 of *The School Code* requires that all school board candidates file with their nomination papers a receipt from the county clerk showing that the candidate has filed a statement of economic interest as required by the Illinois Governmental Ethics Act.

Nominating petitions which are filed with the board secretary without the proper receipt are not valid after 5:00 p.m. on the last day for filing petitions. Incumbent

board members who are seeking re-election, and have filed a statement of economic interest within a year preceding the date of filing nominating papers, are not required to file a second statement. (Sections 1.4 and 10-5 of *The Election Code* and Section 9-10 of *The School Code*.)

Campaign Financing Act

Section 9-10 of *The School Code* requires the board secretary to notify the candidates for whom nominating petitions are filed or the appropriate committee of the obligations under the Campaign Financing Act as provided in Section 10-6.1 of *The Election Code*. Such notice shall be given on a form prescribed by the State Board of Elections in accordance with paragraph (7) of Section 9-16 of *The Election Code*.

The board secretary shall provide to each candidate at the time he files his nomination papers a notice of his/her possible obligation to file under the Campaign Financing Act. Said notice, shall be given each candidate and the candidate shall receipt therefor. If a candidate files his nomination papers by mail or by an agent, the secretary of the board shall within two business days of the petition filing send to the candidate by certified mail (delivered to addressee only, return receipt requested) said notice.

The board secretary shall preserve the receipts for said notices for a period of two years from the date of receipt. (Section 9-10 of The School Code and Sections 10-6.1, 9-16 para (7) of The Election Code and SBE Opinion 81-66).

Withdrawal of candidate

Section 10-7 of *The Election Code* provides that any person who files a nominating petition as a candidate may withdraw from the election by written request. The request must be signed by the candidate, notarized, and filed with the board secretary not later than the date for certification of candidates for the ballot (55 days before the board election).

When the statement of withdrawal is filed, the board

secretary must write on the face of it the date and time it was received. This statement is then attached to the candidate's nomination papers as part of the election record.

Any candidate for membership on a board of education who has filed nominating petitions to fill a full term and to fill an unexpired term at the same election must withdraw his petition for nomination from either the full term or the unexpired term within five days following the last day for petition filing. If a candidate who has been nominated to incompatible offices does not withdraw from the nomination of one of them within the five days following the last day for petition filing (66 days before the board election), the board secretary is required to strike his name from all nominating petitions and his name shall not be certified, nor printed on the ballot, for any office.

All nomination papers filed with the board secretary must be preserved in his/her office not less than six months. (Section 10-7 of The Election Code).

6/Certification of candidates

Section 10-15 of *The Election Code* provides for the certification of candidates. Not less than 55 days before the nonpartisan election, each board secretary with whom nominating petitions have been filed shall certify to each election authority (county clerk or municipal board of election commissioners) having jurisdiction over any part of the school district, the names of all candidates entitled to be printed on the ballot.

The board secretary shall certify such candidates in the order in which nominating petitions were filed with the secretary except the names of those candidates whose petitions have been held invalid by the appropriate electorial board. In every instance where applicable, the following ballot format shall be indicated in the certification:

1) Where more than one candidate is to be nominated or elected to a particular office, the certification shall indicate the number to be elected (e.g., "For School Board Member, three to be elected").

2) Where two candidates for the same office are to be nominated or elected for different terms, the certification shall indicate the length of each term (e.g., "John Doe, for a four year term; Jane Smith, for a two year term").

3) Where *The School Code* prescribes a special ballot format for its election of officers, the certification for that school district shall specify the prescribed ballot format (e.g., In school elections where membership on boards of education is restricted as to urban and rural areas, the ballot shall specify the residence address of each candidate or residency of each candidate according to congressional township and range).

Section 10-5.1 of *The Election Code* allows the use of the following ballot names:

- Candidate's given name or names
- Initial or initials

- A nickname by which the candidate is commonly known
- The candidate's surname
- The title "Mrs." may be used in the case of a married woman.

No other designation such as a title or degree, or nickname suggesting or implying possession of a title, degree, or professional status, or similar information may be used in connection with the candidate's surname. (Section 10-15 and 10-5.1 of *The Election Code* and Section 9-12 of *The School Code*.)

Education officers electoral board

Section 10-8 of *The Election Code* provides that certificates of nomination and petitions to submit public questions to referendum, which appear to be in conformity with the law, shall be deemed valid unless they are objected to in writing within five days after the last day for filing petitions. However, any legal voter of the school district who objects to any certificate of nomination or petition may file an objector's petition with the board secretary. Upon receipt of the objection, the board secretary shall note the day and hour the objector's petition is filed, and shall, not later than 12:00 noon on the next business day, transmit by registered mail or receipted personal delivery both the nomination papers and the objector's petition to the chairman of the electoral board. At the same time, the board secretary shall transmit by registered mail or receipted personal delivery a copy of the objector's petition to the candidate whose nomination papers are objected to. In the case of objections to petitions for a pubic question, the copy of the objection shall be mailed to the person designated as the principal proponent of the question.

The objector's petition shall give the objector's name and residence address; shall state fully the nature of the objections to the nomination papers or petitions in question; shall state the interest of the objector; shall state what relief is requested of the electoral board.

Section 10-9 of *The Election Code* provides for the mem-

bership of the Educational Officers Electoral Board. If a school district is located entirely within one county, the electoral board is composed of the president of the board (who shall be chairman), the secretary of the board, and the board member with the longest term of continuous service on the board. If any member of the electoral board is the candidate involved in the objection, then the chief judge of circuit court must appoint a judge who lives in the county to take his place.

If the school district is located in more than one county, the State Division Electoral Board, composed of one circuit court judge who lives in each county involved, hears the objection. If this is an even number, the state's attorney from one of the counties involved who has the most continuous service becomes a member of the board.

When a school district is coterminous with or situated entirely within a municipality under the jurisdiction of a Board of Election Commissioners, such board shall constitute the electoral board for that school district.

Section 10-10 of *The Election Code* provides that the chairman of the electoral board, within 24 hours after the receipt of the objector's petition from the board secretary, shall send a call by registered or certified mail to each of the members of the electoral board stating the date, time, and place of the hearing on the petition. Copies of this call are also sent to the objector and to the candidate named in the objection.

The hearing has to be held not less than three nor more than five days after the chairman receives the original of the petition from the secretary. The statute requires that the hearing be held in the county court house.

Within ten days after the decision of the electoral board, either the candidate or the objector may file a petition for judicial review in the circuit court of the County in which the electoral board hearing was held. (Section 10-8, 10-9, and 10-10 of The Election Code).

Ballot placement

Names of candidates are certified to the election author-

ity (county clerk or municipal board of election commissioners) for ballot placement by the board secretary according to the time and date of petition filing.

All petitions filed by persons waiting in line as of 8:00 a.m. on the first day for filing or as of the normal opening hour of the office, and all petitions received by mail after midnight of the first day for filing and in the first mail delivery or pickup of that day shall be deemed filed as of 8:00 a.m. of that day or the normal opening hour, as the case may be. All petitions received thereafter shall be deemed filed in order of actual receipt.

When two or more petitions are received simultaneously as of 8:00 a.m. on the first day to file or in the first mail delivery, the board secretary shall break ties and determine the order of filing by means of a fair and impartial lottery. Such lottery shall be conducted within 15 days following the last day for petition filing and shall be open to the public. Seven days notice of the time and place of conducting such lottery shall be given to each organization entitled to pollwatchers (list from county clerk) and each candidate involved in the lottery. Also, such notice must be posted at the entrance of the board office in a conspicuous place. (Section 10-6.2 of The Election Code).

7/Conduct of election

Notice of election

Section 12-4 of *The Election Code* requires each election authority (county clerk or municipal board of election commissioners) to publish notice of the election of officers in each political subdivision within his jurisdiction "not more than 30 days nor less than 10 days prior to the date of the nonpartisan election." The notice of election shall be published *once* in one or more newspapers of general circulation in the school district.

The notice shall be substantially in the following form and may include notice of the location of precincts and polling places within the district:

> Notice is hereby given that on (date), at (give the place of holding the election and the name of the precinct or district) in the county of (name of county), an election will be held for (give the title of the several offices to be filled), which election will be open at 6:00 a.m. and continued open until 7:00 p.m. of that day.
>
> Dated at . . . . . this . . . . . day of . . . . . , 19 . . . . . .

If the notice of election does not include the location of the precincts and polling places within the school district, then the election authority (county clerk) shall publish "not less than ten days before such election" notice of the precincts and the location of the polling places in each district. The publication of such notice shall be in the same form as for the notice of election.

Section 12-6 of *The Election Code* provides that if there is no newspaper of general circulation in a school district, notice may be given by posting the required information in five public places in the district. (Sections 12-4 and 12-6 of *The Election Code*.)

Judges of elections

Under the provisions of the Election Consolidation Act,

the regular precinct judges of elections selected by county boards and boards of election commissioners from lists furnished by the respective County Central Committee Chairmen, appointed by the election authority, and confirmed by the circuit court shall be certified for two years as judges of *all* elections.

All persons chosen judge of election must be:

1) A citizen of the United States and entitled to vote at the next election;

2) Of good repute and character;

3) Able to speak, read, and write the English language;

4) Skilled in the four fundamental rules of arithmetic;

5) Of good understanding and capable;

6) Not a candidate for any office at the election or an elected committeeman;

7) Reside in the precinct in which they are selected to act, except that in each precinct, not more than one judge of each party may be appointed from outside such precinct.

County boards and boards of election commissioners may appoint three judges (instead of five) to serve in those precincts in which (a) not more than 300 registered voters reside or (b) all voters are entitled to vote the same ballot. Otherwise, the regular panel of five election judges shall be required to serve.

For emergency referenda, three election judges shall be required to serve in each precinct.

In those precincts where three election judges are appointed, two judges must be affiliated with one established political party and one judge must be affiliated with the other established political party.

Periodically, each election authority (county clerk or municipal board of election commissioners) shall conduct special training courses for election judges concerning the administration of the nonpartisan and consolidated elections. (Sections 13-2, 13-2.2, 13-4, and 14-1 of *The Election Code*.)

Pollwatchers

Under the provisions of the Election Consolidation

Act, pollwatchers are permitted at all elections in accordance with the procedures outlined in Section 17-23 of *The Election Code*. Pollwatchers' credentials shall be issued by and under the facsimile signature of the election authority (county clerk or municipal board of election commissioners) and shall be available for distribution to qualified persons and groups at least two weeks prior to each election. (Section 17-23 of *The Election Code*.)

Ballots

Under the provisions of the Election Consolidation Act, voting in all elections shall be conducted by ballots prepared, printed, and distributed by the county clerk or municipal board of election commissioners. In general, ballots shall be of plain white paper, through which the printing or writing cannot be read. However, ballots for use in school elections may be printed on different colored paper, except blue paper, in order to help voters and judges distinguish them from other political subdivisions' ballots.

The ballot for election of officers of each political subdivision shall be considered a separate ballot, and candidates for such offices shall be grouped together. Where paper ballots are used, the names of candidates for election to more than one political subdivision may be contained on a common ballot, provided that each political subdivision is clearly separate.

At the nonpartisan election, the ballot sequence shall be as follows:

> **Nonpartisan Election:** Common school districts, township school trustees (Cook County only), regional boards of school trustees, community college districts, fire protection districts and other elected nonpartisan special districts in the order determined by the election authority.

Referenda questions submitted by a school district to the public at the same time as board candidate selection shall be placed on the ballot immediately after the school district candidates, unless such placement is not feasible. If referenda questions are submitted by any other political

subdivision at the same time as board candidate selection, then the ballot shall be printed on paper which is different in color from the candidate ballot. The county clerk or municipal board of election commissioners may choose any color for these ballots, except blue or green, which are reserved for constitutional amendments and retention of judges. (Sections 16-1, 16-3, 16-4.1 and 16-7 of *The Election Code*)

Precincts—clustering

Under the provisions of the Election Consolidation Act, voting precincts established by the county boards and boards of election commissioners shall be the precincts (and polling places) used for all elections.

Section 11-7 of *The Election Code* allows the election authority (county clerk or municipal board of election commissioners) to cluster up to four contiguous precincts which shall constitute a clustered voting zone. The common polling place for the "clustered voting zone" shall be located within the territory comprising the clustered precincts.

Precinct clustering is optional for the nonpartisan election and is required for emergency referenda.

A minimum of three judges of election per clustered precinct shall serve in the clustered voting zone with not more than a simple majority of the judges being affiliated with the same political party. All the judges shall share responsibility for the conduct of the election in the clustered voting zone except for matters pertaining directly to voting. Voter assistance, challenges to voter qualifications, and vote counting disputes shall be handled or settled by the judges of election appointed for the precinct in which the affected voter resides or the disputed vote is to be counted.

In all emergency referenda, the election authorities (county clerk or municipal board of election commissioners) shall cluster precincts except where the unavailability of suitable polling places prevents such clustering. Unless the election authority specifies a larger number, only one election judge shall be appointed for each of the clustered pre-

cincts in each clustered voting zone. (Section 11-7 of *The Election Code*).

Boundary changes

Under the provisions of *The Election Code*, each election authority (county clerk or board of election commissioners) shall maintain permanent records of the boundaries of all political subdivisions partially or wholly within its jurisdiction. Therefore, no later than five days after adoption of any such governmental boundary change the board secretary shall give notice of such change to each election authority having jurisdiction over any of the affected territory in his/her political subdivision. This notice must indicate the effective date and contain a description of the boundary change. (Sections 4-21, 5-28.1 and 6-31.1 of *The Election Code.)*

Election supplies

It is the responsibility of the county clerk or municipal board of election commissioners to see that all necessary ballots and supplies have been delivered to the judges, and that each polling place has a sufficient number of voting booths. The expense of providing booths and supplies required for an election shall be paid by the county. (Section 17-8 of *The Election Code.*)

Polling hours

The polls shall be opened at the hour of 6:00 a.m. and continued open until 7:00 p.m. of the same day, at which time the polls shall be closed.

Upon opening the polls one of the judges of election shall make proclamation of the same, and at least 30 minutes before the closing of the polls proclamation shall be made in like manner that the polls will be closed in half an hour. At 7:00 p.m. a judge shall announce that the polling place is closed. Section 17-1 and 17-2 of *The Election Code.*)

8/Voters

Voter qualifications

Under the provisions of the Election Consolidation Act all school elections are governed by the general election law of the State. Residents of Illinois who satisfy the requirement of age, citizenship, residence, and registration may vote in any school election.

Section 3-1 of *The Election Code* sets forth voter qualifications:

- **Age.** A person is qualified to vote in a school election if he is 18 years of age or older.
- **Citizenship.** To vote in a school election, a person must be a citizen of the United States.
- **Residence.** In order to vote in a school election, the voter must have resided in the State and school district for 30 days immediately preceding the day of election.
- **Registration.** Any voter who wishes to vote in a school election must be registered to vote from a residence located in the school district. Registration must take place at least 28 days prior to the election. The county clerk or municipal board of election commissioners of each county are the registrars through which the voter swears that he has met the qualifications to vote. (Section 3-1 of *The Election Code.*)

Registration of voters

Under the Election Consolidation Act, voter registration is now required for all elections.

Voter registration is conducted under the provisions of the general election law and may occur at the county clerk's or municipal board of election commissioner's office at least 28 days prior to the board election or public question. The statutes require that the office of the county clerk shall be open between the hours of 9:00 A.M. and 5:00 P.M. on all days except Saturday, Sunday and holidays to

register voters. (If, however, the county board regulates and fixes the hours of opening and closing of all county offices, such regulations shall control and supersede the specified hours.) (Sections 4, 5, and 6 of *The Election Code*.)

Voter identification

Section 4-11 of *The Election Code* requires the use of voter registration lists by election judges to determine voter eligibility in *all* elections. At least two weeks prior to the nonpartisan school election in each odd-numbered year, the county clerk or municipal board of election commissioners shall make a precinct list of all registered voters. The county clerk shall deliver such list to the election judges prior to the opening of the polls on election day.

Any person interested in obtaining a precinct list may obtain one from the county clerk or municipal board of election commissioners, who shall have a sufficient number of these lists available to meet all reasonable demands. (Section 4-11 of *The Election Code*.)

Absentee voting

Any Illinois resident who is a qualified elector and entitled to vote in person is also eligible to vote by absentee ballot. Section 19-1 of *The Election Code* permits the following qualified electors to vote absentee:

1) Those who expect to be absent from the county on election day;

2) Anyone who has been appointed an election judge in a precinct other than his precinct of residence;

3) Anyone who is physically incapacitated;

4) Members of religious organizations whose tenets prohibit them from being present at the polls during a religious holiday.

5) Any qualified voter who has been admitted to a hospital due to an illness or physical injury not more than five days before an election. (Section 19-13 of *The Election Code*).

Section 19-2.1 of *The Election Code* provides that per-

sons qualified to vote by absentee ballot may make *mail* application for ballots to the county clerk not more than 40 days nor less than five days before the election.

In-person absentee ballot application may be made in the office of the election authority (county clerk or municipal board of election commissioners) not more than 40 days nor less than one day prior to the election or in the office of authorized municipal and township (or road district) clerks not more than 22 days nor less than one day before the election.

Any voter who is a resident of a municipality not under the jurisdiction of a board of election commissioners may make in-person absentee ballot application at the office of the municipal clerk, if the municipal clerk is qualified. If the voter is a resident of an unincorporated area, he may make in-person absentee ballot application at the office of an authorized township clerk (or road district clerk in counties not under township organization).

Persons qualified to vote under Section 20 of *The Election Code* (military and overseas voting) may make mail application to the county clerk not more than 100 days nor less than 10 days prior to the election. (Section 19-1, 19-2.1, 19-13, 20-2, 20-2.1, and 20-3 of *The Election Code*.)

9/Canvass and proclamation of results

Certification of results

At the nonpartisan and consolidated elections, the judges of election shall make a tally sheet and certificate of results for each political subdivision for which candidates or public questions are on the ballot at such election, and shall sign, seal in a marked envelope and deliver them to the county clerk or municipal board of election commissioners with the other certificates of results.

Within two days after the election, the county clerk or municipal board of election commissioners shall transmit to the secretary of the board an original, sealed tally sheet and certificate of results from each precinct in his jurisdiction in which school board candidates or public questions were on the ballot.

The board secretary, within 24 hours of receipt of all tally sheets and certificates of results for all precincts, shall transmit such documents to the chairman of the canvassing board (president of the board of education). In the case of a referenda for the formation of a school district, the county clerk shall transmit the tally sheets and certificates of results to the regional superintendent of schools for the canvass of votes. (Section 17-22 of *The Election Code.)*

Canvass of the election

Section 22-17 of *The Election Code* provides that within *seven days* after the nonpartisan and consolidated elections, the local canvassing board (board of education) shall open and canvass the precinct returns and prepare an abstract of votes received by school board candidates or public questions. The local canvass board for school board offices or public questions shall be the board of education

with the presiding officer as chairman.

If a school district is coterminous with or situated entirely within a city under jurisdiction of a board of election commissioners, such board shall constitute the canvassing board for the school district.

Section 22-18 of *The Election Code* provides that each local canvassing board (board of education) shall immediately upon completion of the canvass, transmit a signed copy or original duplicate of its abstract of votes to each county clerk or municipal board of election commissioners in whose jurisdiction that school district is entirely or partially situated. In addition, each canvassing board shall send a duplicate of its abstract of votes to the State Board of Elections.

Note: When two of more candidates receive the highest and equal number of votes for a particular office, the local canvassing board must conduct a lottery to break the tie and determine the winner.

The county clerk shall prepare and issue a certificate of election to each person declared elected to office by the local canvassing board (board of education). In school districts which are situated in two or more counties, the county clerk of the county in which the principal office of the school district is located shall prepare and issue such certificates.

In those school districts which are under the jurisdiction of a municipal board of election commissioners, the canvassing board (board of election commissioners) shall prepare and issue a certificate of election to each person declared elected. (Section 22-17, 22-18 of *The Election Code* and 9-18 of *The School Code*.)

Write-in candidates

Upon completion of the canvass, write-in candidates who are declared winners must file within 30 days a statement of candidacy and statement of economic interest receipt with the board secretary.

Upon the filing of the necessary documents, the county clerk or municipal board of election commissioners shall

issue a certificate of election to the write-in winner. (Section 7-58 of *The Election Code.)*

Election contests

Within 30 days after the local canvassing board (board of education) proclaims the results of the school board election, any losing candidate for office or any qualified voter in the district may contest the election of the winning candidate by filing a petition (i.e., lawsuit) with the clerk of the circuit court.

Copies of the petition for contest shall be delivered to each election authority having custody of any ballots involved in the contest.

The circuit court shall hear and determine the election contest. Section 23-20 of *The Election Code.)*

Discovery recounts

Within five days after the local canvassing board (board of education) has proclaimed the results of the election, any losing candidate for the office of school board member who received votes equal to 95 percent of the number of votes received by the winning candidate for the same office may file a petition for discovery recount with the election authority (county clerk).

The petition for discovery shall ask that ballots be examined and counted in precincts not to exceed 25 percent of the total number of precincts in which the election for that district was held. Such petition shall be accompanied by a fee of $10.00 per specific precinct.

Upon receipt of the petition for discovery, the election authority (county clerk) shall transmit the original petition to the chairman of the local canvassing board (president of the board) who shall, after three days notice to the winning candidate, reconvene the canvassing board. At the same time, the board secretary shall transmit a copy of such petition to each county clerk or municipal board of election commissioners in whose jurisdiction the specified precincts are situated. Thereupon, each election authority in conjunction

with the reconvened canvassing board shall examine and recount the ballots and test any automatic tabulating equipment for the precincts specified in the discovery petition.

Each candidate shall have the right to attend the discovery recount proceedings in person or by his representative. On completion of the discovery recount, the election authority shall reseal and secure the ballots for the remainder of the 60 day ballot preservation period required by law. (Section 22-9.1 of *The Election Code.*)

Court ordered election

When the results of an election are challenged in court, the judge may declare an election void, if evidence of mistake or irregularity in the conduct of the election is so substantial that it is impossible to determine the true results. The court may void the election and order a new election without regard to the consolidated election schedule.

If a new election is ordered as a result of an election contest, the affected political subdivision pays the cost for conducting the election. (Section 17-30, 17-32 and 23 of *The Election Code.)*

Organization of the board

Section 10-16 of The School Code provides that within SEVEN DAYS after the November nonpartisan election the board shall organize by electing its officers and fixing a time and place for their regular meetings.

The president of the board of education shall be elected by the members thereof from among their number and serve for *two years*, except that the board by resolution may establish a policy for the term of office to be *one year*. The secretary of the board of education shall be elected by the board and may be a member thereof, who shall serve for *two years*, except that the board by resolution may establish a policy for the term of office to be *one year*. (Section 10-13, 10-14, and 10-16 of THE SCHOOL CODE).

10/Questions of public policy (referenda)

Public questions

The initiation and submission of all public questions to be voted upon by the electors of the State or of any political subdivision or school district are subject to the provisions of Section 28 of *The Election Code.*

Questions of public policy are generally viewed as having either legal or advisory effect. Questions which have legal effect shall be submitted to referendum only as authorized by the governing statute. Advisory questions of public policy shall be submitted to referendum pursuant to Section 28-5 of *The Election Code* or the enabling statute.

All public questions shall be initiated, submitted and printed on the ballot in the form required by Section 16-7 of *The Election Code*, except as may otherwise be specified in the statute authorizing a public question.

Irrespective of the method of initiation, not more than three public questions per political subdivision other than backdoor referenda may be submitted at the same election. If more than three questions are certified by a local election official (board secretary) to the county clerk, such questions shall be certified and submitted for the next succeeding regular election unless an emergency referenda on the question is ordered by the court or the question is withdrawn.

Wherever the three question limitation prevents the certification and submission of a public question at an election, the local election official (board secretary) in receipt of the initiating petition or resolution or the county clerk in receipt of the certification shall give notice of such limitation by registered mail as outlined in Section 28-5 of *The Election Code.* (Section 28-1, 28-3, 28-5 and 16-7 of *The Election Code.)*

Publication of notice

Not more than 30 nor less than 10 days prior to the date of a regular election at which a public question is to be submitted to the voters of a political subdivision (school district), the election authority (county clerk or municipal board of election commissioners) shall publish notice of the referendum.

The notice of election shall be published once in one or more newspapers published in each political subdivision, and if there is no such newspaper, then published once in a local, community newspaper having general circulation in the school district, and also once in a newspaper published in the county wherein the political subdivision or portions thereof having such election is situated.

The notice of a referendum shall include the public question as it will appear on the ballot and any additional information required by the statute authorizing the public question. (Section 12-4 and 12-5 of *The Election Code* and Section 9-11 of *The School Code.)*

Petition filing

Section 28-2 of *The Election Code* provides that a *petition* for a public question shall be filed not less than 78 days before a regular election with the local election official (board secretary) of the district in which the question is to be submitted. Attached to such petition shall be a certificate showing the name and address of one proponent of the public question or the attorney for the proponents.

Petitions which propose to create a new political subdivision (school district) must be filed with the Regional Superintendent of Schools not less than 108 days before a regular election at which the question is to be submitted.

Resolutions of governing boards of political subdivisions (boards of education) which initiate a public question must be adopted not less than 65 days before a regular election.

Unless a particular statute authorizing a public question specifies the regular election at which such question shall be submitted, the petition or resolution initiating such question may specify the regular election for its sub-

mission, and the question shall be limited to that election. If the petition or resolution does not specify a regular election for submission, such question shall be certified for and submitted at the forthcoming election. However, no petition or resolution initiating a public question may specify an election more than one year after the date on which it was file or adopted. (Section 28-2 of *The Election Code.)*

Certification

Not less than 61 days before a regular election, each local election official (board secretary/regional superintendent of schools) shall certify the public question initialed by petition or resolution to the election authority (county clerk or municipal board of election commissioners) for submission to the voters of the district at that election. The certification shall include:

1) The form of the public question.

2) The date on which the question was initiated, either by petition, resolution or court order.

3) A certified copy of the resolution requiring the submission of the public question.

4) A description of the affected territory when forming a new political subdivision (school district) which is not coterminous with the existing political subdivision.

The proper form of the public question shall be:

Shall (Here print the substance of the public measure)	YES NO

(Section 28-5 and 16-7 of *The Election Code.)*

Objections to public questions

Objections to a public question petition may be filed with the local election official within five days of the last day for petition filing. The provisions of Sections 10-8 through 10-10.1 of *The Election Code* relating to objections to

nomination petitions, electoral board hearings on objections and judicial review shall be applicable to petitions for public questions of a school district. (Sections 28-4, 10-8, 10-9, 10-10 and 10-10.1 of *The Election Code.)*

Formation of new political subdivisions

Sections 7-1, 7-2, 11-1, and 11-6 of THE SCHOOL CODE outline the procedures by which a new school district can be formed. Once the procedure outlined in THE SCHOOL CODE has been complied with, the proposition is presented to the proper election authorities for submission at a regular scheduled election in accordance with Article 28 of THE ELECTION CODE.

In order to form a new political subdivision (school district), a petition for the submission of the public question to referendum must be filed with the appropriate officer (Regional Superintendent of Schools) not less than 108 days before the regular election at which the formation question is to be submitted.

A petition initiating the submission of a public question may specify a regular election at which the question is to be submitted. However, no petition, initiating the submission of a public question may specify such submission at an election more than one year after the date on which it is filed.

Section 28-2 of THE ELECTION CODE provides that a petition to form a new political subdivision whose officers are to be elected at the same time must include an affidavit attesting that at least 108 days and no more than 138 days prior to such election that a notice of intent to form the new political subdivision was published in a newspaper of general circulation within the territory of the proposed political subdivision.

Under the provisions of Sections 11-1 and 11-6 of THE SCHOOL CODE, the election of school board members is *not* held at the same time as the referendum to create a new school district. Therefore, no affidavit is required under the provisions of 28-2 of THE ELECTION CODE attesting to the fact that proper notice of the intent to form a new school district was published within the required time period.

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However, it is *strongly recommended* that an affidavit be attached to the petition for the creation of a new school district, stating that the notice provisions outlined in Section 11-1 and 11-6 of THE SCHOOL CODE have been complied with.

Petition filing, certification and *objections to petitions* for the creation of a political subdivision are the same procedures as outlined above.

(Sections 7-1, 7-2, 11-1, and 11-6 of THE SCHOOL CODE and Sections 28-2 and 28-5 of THE ELECTION CODE).

Advisory questions

On a written petition signed by 25 percent of the registered voters of any municipality, township, county or school district, it shall be the duty of the proper election officers to submit any question of public policy so petitioned for, to the electors of such political subdivision at any regular election date. Such petitions shall be filed with the local election official of the political subdivision in accordance with the provisions of *Article 28 of THE ELECTION CODE.*

Local questions of public policy authorized by Section 28-6 of THE ELECTION CODE shall be advisory public questions, and no legal effects shall result from the adoption or rejection of such propositions. (Section 28-6 of THE ELECTION CODE).

11/ "Back-door" referenda

Section 28-2 of *The Election Code* defines a back-door referendum as follows:

> "A back-door referendum is the submission of a public question to the voters of a political subdivision (school district), initiated by a petition of voters or residents of such school district, to determine whether an action by the governing body of such district shall be adopted or rejected."

When a back-door referendum is permitted by statute *(School Code)*, any statutory time restrictions on the filing of the back-door petition shall be in addition to the 78 day filing deadline for public question petitions.

For example, Section 20-7 of THE SCHOOL CODE (WORKING CASH BONDS) provides that a back-door referendum may be initiated by voter petition, if within *30 days* after publication of the school board's resolution to issue working cash bonds, a petition is filed with the recording officer of the district signed by not less than *10 percent* of the voters of the district. In addition, Section 28-2 of THE ELECTION CODE requires that public question petitions be filed not less than *78 days* prior to the election.

Therefore, it is essential that the school board publish legal notice of its intention to issue working cash bonds at least 108 days prior to the election. If a back-door petition is filed within the 30 day period, but after the 78 day filing deadline, the referendum would be delayed until the next regular election. (Section 28-2 of THE ELECTION CODE).

12/ Emergency referendum

Whenever a unit of local government or school district is prevented from performing its corporate functions, the governing body of the political subdivision (school district) may request an emergency referendum to seek voter approval for immediate bonding authority or whatever authority is necessary for continued governmental operations. Such request for an emergency referendum date must be made by a majority of the members of the local governing board in the form of a petition to the circuit court which must state:

1) The nature of the emergency and why it would justify an exception to the regular election schedule;
2) The date of the next regularly scheduled election at which the proposition could be placed on the ballot;
3) The estimated cost of conducting a separate emergency referendum.

The court shall conduct a hearing on the petition. Any resident of the area in which the referendum is to be conducted may oppose the petition.

The court may approve the petition for an emergency referendum only upon a finding, supported by the evidence that the referendum is necessitated by an imminent need to maintain the operations of the school district, and such need is due to circumstances beyond the control of the board.

Certification of the question shall be made by the circuit court to the proper election authorities not less than 30 days prior to the date set for the emergency referendum. The election authority (county clerk) shall cause notice of the emergency referendum to be published not less than 20 days prior to the date set for the referendum in one or more newspapers having a general circulation in the political subdivision (school district) in which the question shall be submitted.

Expenses for the conduct of an emergency referendum are charged back to the political subdivision (school dis-

trict) for which the referendum was held. (Sections 2A-1.4, 12-5, 17-30 and 28-5 of *The Election Code.)*

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13/ Costs of elections

Each county shall provide for and pay the costs and expenses of all elections within the county. Under the provisions of *The Election Consolidation Act,* counties are authorized to levy the following direct tax to pay the cost of regular elections:

1) In counties of more than 1,000,000 inhabitants, the governing board of the county is authorized to levy up to .05 percent (except in the city of Chicago) in odd numbered years to pay for the expense of conducting elections.

2) In counties of less than 1,000,000 inhabitants, the county board is authorized to levy an annual tax up to .03 percent to pay for the costs of regular elections.

3) In DuPage County, the county board is authorized to levy annual tax up to .04 percent to pay for the costs of all regular elections.

The cost of emergency referenda and special elections not held on the regular consolidation schedule shall be billed by the election authority (county clerk) to the political subdivision initiating the proposition. (Sections 17-30, 17-32 of *The Election Code* and Ch. 34, Para. 408 of the *Counties Act.*)